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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,374	09/16/2003	Kurt G. Knoepfler	ZUMST1.002AUS	1623

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EXAMINER
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EWALD, MARIA VERONICA

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/663,374

Applicant(s)

KNOEPFLER, KURT G.

Examiner

Maria Veronica D. Ewald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,7,8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 – 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 recites the limitation "the transfer units" in the last two lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 4 and 7 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbst (U.S. 6,471,505) in view of Schilke (U.S. 4,544,519) and further in view of Cress, et al. (U.S. 4,121,402). Herbst teaches an injection molding machine with a handling system for injection-molded parts (abstract), comprising: a multi-daylight mold with more than two parting planes between a number of mold halves (column 5, lines 30 – 32), a removal device comprising a number of arms corresponding

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to the number of parting planes of the multi-daylight mold (item 19 – figure 2A) and a common carrier on which the arms are arranged and which can be moved such that the arms move into and out of the more than two parting planes (column 5, lines 35 – 38). In addition, Herbst teaches that there is a transfer device which take over removed injection molded parts from the arms of the removal device (items 40 and 41 – figure 2A; column 6, lines 35 – 40) and a conveying path assigned to the transfer device and wherein the transfer device deposits the injection molded parts on a respective conveying path (item 26 – figure 2A; column 7, lines 29 – 32); wherein the transfer unit is comprised of a pivotable transfer plate which can be pivoted by an actuating device through approximately 90° into a transfer position (figures 2A – 2C and 3; column 6, lines 35 – 67; column 7, lines 39 – 43); wherein there is a guide engaged with the common carrier such that the common carrier moves along the guide (column 5, lines 35 – 38); wherein the guide extends over the multi-daylight mold our outside the latter and over the transfer unit transversely in relation to a longitudinal axis of the injection-molding machine and the direction of movement of the conveying paths and wherein the arms of the removal device protrude downwards from the guide (figures 1A and 2A).

Herbst, however, does not teach the presence of at least two transfer devices or multiple transfer plates and at least two conveying paths, though to one of ordinary skill in the art, the use of multiple transfer plates and conveying paths is known.

For example, in a method to manufacture footwear soles using a molding machine, Schilke teaches the use of two mold halves on an assembly line with transfer assemblies and conveyor systems. Schilke further teaches that there are at least two

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transfer devices (item 19 – figure 2; column 3, lines 1 – 5) arranged offset in relation to one another and at least two conveying paths, which lie next to one another and are assigned to the transfer units (item 20 – figure 2; column 3, lines 6 – 10).

In addition, in a method to form foam plastic containers, Cress, et al. teach the use of a system of conveyors/drive chains and forming mandrels. Cress, et al. further teach the use of transfer plates to which the products or discs are deposited (column 8, lines 64 – 66). Subsequently, the transfer plates are indexed into a registry with a passing finishing mandrel and the discs are then stripped from the transfer plates onto the base of the mandrel (column 9, lines 1 – 3, 19 – 21). This reads on the Applicant's claim that the transfer devices comprise multiple transfer plates.

Therefore, it would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to modify the apparatus of Herbst to include the multiple transfer devices and conveyors of Schilke and the multiple transfer plates of Cress, et al. for the purpose of ensuring that several articles can be removed at one time resulting in efficiency and productivity when incorporating the multiple transfer devices and conveying paths of both Schilke and Cress, et al.

### ***Response to Arguments***

15. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection. Applicant argued that the previous combination of references fails to show a common carrier on which the removal arms are transported into and out of the mold halves and as such, claim 3 was amended and

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claim 8 added. Examiner agrees that the previous combination fails to show the common carrier and has cited the reference of Herbst in combination with the previously-cited references of Schilke and Cress, et al.

Herbst shows a removal arm on a common carrier that is displaced along several directions by means of a drive system and coordinate system between the parting planes of the mold to remove the molded products. In addition, though Herbst does not show multiple transfer devices and conveying paths, Herbst does show a transfer system and a conveyor. Both Schilke and Cress, et al. are again cited to show multiple transfer devices and conveyors and therefore, to maximize product removal in a short amount of time and product manufacture, the apparatus of Herbst can be configured to have multiple transfer devices/plates and conveyors as taught by both Schilke and Cress, et al.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Veronica D. Ewald whose telephone number is 571-272-8519. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MVE

  
**JOSEPH S. DEL SOLE**  
**PRIMARY EXAMINER**  
4/14/08